

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
FORT WORTH DIVISION**

MAILE EPLEY,

Petitioner,

v.

W. ELAINE CHAPMAN, Warden,

FMC-Carswell,

Respondent.

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Civil Action No. 4:08-CV-235-Y

**FINDINGS, CONCLUSIONS AND RECOMMENDATION
OF THE UNITED STATES MAGISTRATE JUDGE
AND NOTICE AND ORDER**

This cause of action was referred to the United States Magistrate Judge pursuant to the provisions of 28 U.S.C. §636(b), as implemented by an order of the United States District Court for the Northern District of Texas. The Findings, Conclusions, and Recommendation of the United States Magistrate Judge are as follows:

I. FINDINGS AND CONCLUSIONS

A. NATURE OF THE CASE

This is a petition for writ of habeas corpus by a federal prisoner pursuant to 28 U.S.C. § 2241.

B. PARTIES

Petitioner Maile Epley, Reg. No. 36022-177, is a federal prisoner who was incarcerated in the Federal Medical Center-Carswell in Fort Worth, Texas, at the time of the filing of this petition. Epley is represented in this habeas proceeding by Mark McAdoo, Attorney at Law.

The Respondent is W. Elaine Chapman, Warden of the Federal Medical Center-Carswell in Fort Worth, Texas.

C. PROCEDURAL HISTORY

By this action, Epley seeks early release by the Federal Bureau of Prisons to a Residential Reentry Center (RRC) (formerly referred to as a Community Corrections Center (CCC)). *See* 18 U.S.C. § 3624(c). Epley has been released from the Federal Medical Center-Carswell and is currently residing in a RRC in the Dallas, Texas area.¹

D. DISCUSSION

Because Epley has been released to a RRC, this court can no longer provide her with the relief she seeks. *See Bailey v. Southerland*, 821 F.2d 277, 278-79 (5th Cir. 1987). Dismissal of this petition is therefore appropriate as moot. *See McRae v. Hogan*, 576 F.2d 615, 616-17 (5th Cir. 1978).

II. RECOMMENDATION

It is recommended that the government's motion to dismiss be GRANTED to the extent Epley's petition for writ of habeas corpus be dismissed as moot.

III. NOTICE OF RIGHT TO OBJECT TO PROPOSED FINDINGS, CONCLUSIONS AND RECOMMENDATION AND CONSEQUENCES OF FAILURE TO OBJECT

Under 28 U.S.C. § 636(b)(1), each party to this action has the right to serve and file specific written objections in the United States District Court to the United States Magistrate Judge's proposed findings, conclusions, and recommendation within ten (10) days after the party has been served with a copy of this document. The court is extending the deadline within which to file specific written objections to the United States Magistrate Judge's proposed findings, conclusions,

¹The Federal Bureau of Prisons Inmate Locator reflects Epley's current location and/or mailing address as Dallas CCM, 4211 Cedar Springs Road, Suite 100, Dallas, Texas 75219. U.S. Department of Justice, Federal Bureau of Prisons/Inmate Locator, *available at* <http://www.bop.gov>.

and recommendation until November 13, 2004. The United States District Judge need only make a *de novo* determination of those portions of the United States Magistrate Judge's proposed findings, conclusions, and recommendation to which specific objection is timely made. *See* 28 U.S.C. § 636(B)(1). Failure to file by the date stated above a specific written objection to a proposed factual finding or legal conclusion will bar a party, except upon grounds of plain error or manifest injustice, from attacking on appeal any such proposed factual finding or legal conclusion accepted by the United States District Judge. *See Douglass v. United Servs. Auto. Ass'n*, 79 F.3d 1415, 1428-29 (5th Cir. 1996) (en banc op. on reh'g); *Carter v. Collins*, 918 F.2d 1198, 1203 (5th Cir. 1990).

IV. ORDER

Under 28 U.S.C. § 636, it is ORDERED that each party is granted until November 13, 2008, to serve and file written objections to the United States Magistrate Judge's proposed findings, conclusions, and recommendation. It is further ORDERED that if objections are filed and the opposing party chooses to file a response, a response shall be filed within seven (7) days of the filing date of the objections.

It is further ORDERED that the above-styled and numbered action, previously referred to the United States Magistrate Judge for findings, conclusions, and recommendation, be and hereby is returned to the docket of the United States District Judge.

SIGNED October 23, 2008.

/s/ Charles Bleil
CHARLES BLEIL
UNITED STATES MAGISTRATE JUDGE